

Remarks

Claims 1, 5, and 9 are the only claims remaining in the application. These claims were rejected in the Final Office Action of October 12, 2005. The Examiner rejected claims 1, 5, and 9 in the Office Action of May 31, 2005 and Applicants responded to that rejection in an Amendment Under 37 C.F.R. 1.111 dated August 19, 2005. In the latest Office Action of October 12, 2005, the Examiner repeated the rejected in the Office Action of May 31, 2005 and offered a suggestion for distinguishing the transmission configuration controlled by Applicants' invention from the transmissions disclosed in the prior art. Accordingly, Applicants now present with this Amendment limitations added to the claims that make the claimed subject matter clearly distinguishable from the prior art.

The arguments presented by Applicants in the Amendment dated August 19, 2005 are applicable to claims 1, 5, and 9 in their amended form.

It is pointed out in the Amendment dated August 19, 2005 that a boost in pressure for the second gearset, which in this instance is a Simpson gearset, is increased as indicated by the symbol "A" in Figure 4a. Following that boost in pressure, a torque transfer begins as indicated by symbol "B". At that time, the pressure on the friction element of the first gearset begins to lose pressure as indicated in Figure 4d, but it does not begin to slip until torque transfer begins.

The swap-shift progression in the transmission of the present invention clearly is distinguishable from the shift strategy of the '060 patent taken alone or in combination with the '647 patent. This point is discussed in the Amendment dated August 19, 2005. It will not be repeated here.

It is indicated by the Examiner in the Office Action of October 12, 2005 that Applicants' transmission comprises two gear boxes in series. Applicants now have presented claims with limitations that clearly define the transmission and the separate gearsets that

interact, one with respect to the other, to develop swap-shifts. Also, the claims include limitations that indicate what Applicants' mean when they refer to the term "swap-shift." Thus, the claim language in claims 1, 5, and 9 no longer should be interpreted to refer to a transmission that merely has independent gearsets. The references were applied to the claims by the Examiner using that interpretation, as indicated at the bottom of page 4 of the Office Action.

Essentially, the Applicants now have followed the suggestion of the Examiner at the bottom of page 5 of the Office Action so that the claim language now clearly distinguishes Applicants' transmission from the transmissions of the prior art.

The Examiner noted that Applicants have not stated in claim 1 that torque transfer begins immediately following a pressure boost. Claim 1, as now amended, now includes a limitation dealing with this point, which was discussed by the Examiner at the top of page 5 of the Office Action.

It is respectfully requested that claims 1, 5, and 9 be favorably considered in their presently amended form and that a Notice of Allowance be issued.

Respectfully submitted,
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